

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL

WRIT PETITION NO. 84 (SS) OF 2004

Champa Devi
W/o late Lehar Singh,
R/o 109/2, Choudhary Bihari Lal Marg,
Dehradun, District-Dehradun. Petitioner.

Versus

1. Union of India, through Ministry of Human Resources and Public Grievances, Secretary New Delhi.
2. Survey of India Department, Photo Sector, Dehradun, Uttaranchal, through its Director. Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Pant, Advocate for the petitioner and Assistant Solicitor General for the Union of India.

2. By the present writ present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to pay the family pension to the petitioner for her husband w.e.f. 28.07.1994 along with arrears writ 18% interest.

3. Briefly stated, that husband of the petitioner was posted as Fireman with the respondent no. 2 and got retired on 31.05.1989 for the department. Ultimately, her husband died on 28.05.1994. Thereafter, the petitioner approached the respondent to pay her the family pension on account of the death of the petitioner's husband, but till date no response was given to her.

4. A counter affidavit has been filed, where in paragraph 5 it has been stated that the photograph was not

available and therefore, the department from time to time has written to the petitioner for balance of the process.

5. in view of the above, the respondent no. 2 is directed to consider the case of the petitioner for grant of family pension within a period of six weeks form the date of presentation of the certified copy of the order in accordance with law.

6. Subject to above, writ petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

25.08.2006

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